

# Calendar No. 1112

91ST CONGRESS }  
2d Session }

SENATE

{ REPORT  
No. 91-1101

## LOW YIN (ALSO KNOWN AS LOW YING)

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AUGUST 12 (legislative day, AUGUST 11), 1970.—Ordered to be printed

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Mr. EASTLAND, from the Committee on the Judiciary,  
submitted the following

### REPORT

[To accompany H.R. 5655]

The Committee on the Judiciary, to which was referred the bill (H.R. 5655) for the relief of Low Yin (also known as Low Ying), having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE OF THE BILL

The purpose of the bill is to facilitate the admission into the United States of the adopted son of citizens of the United States as a first-preference immigrant, which is the status normally enjoyed by the alien sons and daughters of citizens of the United States.

#### STATEMENT OF FACTS

The beneficiary of the bill is a 23-year-old native and citizen of China, who presently resides in Hong Kong. He is coming to the United States to reside with his U.S. citizen adoptive parents, who adopted the beneficiary under the laws of the State of Oregon on March 18, 1970. The adoptive father, who is the beneficiary's uncle, owns and operates a restaurant. He states that the beneficiary will complete his education and be given employment to learn the cooking trade. The adoptive parents have three natural-born minor children.

A letter, with attached memorandum, dated April 30, 1969, to the chairman of the Committee on the Judiciary of the House of Repre-

sentatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

U.S. DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
*Washington, D.C., April 30, 1969.*

A-18386849.

Hon. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,  
House of Representatives,  
Washington, D.C.*

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H.R. 5655) for the relief of Low Yin (also known as Low Ying), there is attached a memorandum of information concerning the beneficiary.

The bill would provide that the beneficiary shall be deemed to be an immediate relative within the meaning of section 201(b) of the Immigration and Nationality Act, and may be issued a visa and admitted to the United States for permanent residence if he is otherwise admissible under that act.

Absent enactment of the bill, the beneficiary, a native of China, would be chargeable to the nonpreference portion of the numerical limitation for immigrants and conditional entrants from countries in the Eastern Hemisphere.

Sincerely,

RAYMOND F. FARRELL,  
*Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND  
NATURALIZATION SERVICE FILES RE H.R. 5655

Information concerning this case was obtained from Mr. Tom Nom Low, the beneficiary's uncle and the interested party in this case.

The beneficiary, Low Yin (also known as Low Ying), a native and citizen of China, was born November 24, 1946. He is single and resides in Hong Kong. He escaped from Communist China and arrived in Hong Kong on August 9, 1961. His father, born in Portland, Oreg., on August 16, 1925, was taken to China by his brother, Mr. Tom Nom Low. They departed from Seattle, Wash., on May 8, 1931. Beneficiary's father resided continuously in China until his death in 1950 or 1951. The beneficiary's mother and his brother are natives, citizens and residents of China. The beneficiary has no assets and is supported by his uncle, Mr. Tom Nom Low, who visited with beneficiary in Hong Kong for 3 weeks in June 1966. The beneficiary completed 4 years of elementary school in China and 6 years of elementary school in Hong Kong. He is unemployed. He attends a Chinese cooking school in Hong Kong.

The interested party, Mr. Tom Nom Low, was born in China on December 29, 1914. He acquired U.S. citizenship through his father, who was born in Portland, Oreg. Mr. Low

first entered the United States on March 18, 1923. He departed to China in 1931 and lived there until November 1937, when he returned to the United States. Mr. Low served honorably in the U.S. Army Air Force from April 5, 1943, to October 19, 1945. He lives with his wife and three minor children in Portland, Oreg. He is employed as manager of a Chinese restaurant. His income from salary and other sources amounts to approximately \$15,000 a year and his net worth is about \$100,000. Mr. Low intends to send beneficiary to school and also to employ him in his restaurant as a kitchen helper to learn the cooking trade.

The beneficiary made application for a visa as a refugee in 1963 at the American Consulate in Hong Kong, but a quota number was not available. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection.

The Department of State submitted the following report dated October 3, 1969, to the chairman of the Committee on the Judiciary of the House of Representatives relating to the case :

DEPARTMENT OF STATE,  
Washington, D.C., October 3, 1969.

HON. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,*  
*House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: In reference to your request for a report concerning the case of Low Yin (also known as Low Ying), beneficiary of H.R. 5655, 91st Congress, there is enclosed a memorandum of information concerning the beneficiary. This memorandum has been submitted by the American Consulate General at Hong Kong where the beneficiary was issued a nonimmigrant visa.

The bill would classify the beneficiary as an immediate relative within the meaning of section 201(b) of the Immigration and Nationality Act, and provide for visa issuance and admission to the United States for permanent residence if he is otherwise admissible under that act.

The beneficiary registered as a nonpreference immigrant on October 22, 1963, but he has not pursued his application since then.

Sincerely yours,

H. G. TORBERT, Jr.,  
*Acting Assistant Secretary*  
*for Congressional Relations.*

MEMORANDUM OF INFORMATION—SUBMITTED BY THE AMERICAN  
CONSULATE GENERAL AT HONG KONG

Low Ying was born in Kum Bay Village, Wai Yeung, Kwantung, China, on November 24, 1946. He left China to reside in Hong Kong in 1961.

The beneficiary is unmarried. His mother, Kok Ye Tai, and brother, Low Shui Dokb, are presently living in China. His

only relatives in the United States are two paternal uncles, Low Tung and Low Nom, also known as Tom N. Low, who reside in Portland, Oreg.

Mr. Low attended primary school in China from 1957 to 1961 and secondary school in Hong Kong from 1963 to 1967. He studied accounting at evening school from 1967 to 1968, and has been attending a cooking school from 1968 to the present. He is supported by his uncle, Low Nom, who sends him approximately US\$1,000 a year.

Should the medical examination and background investigation show any cause for visa ineligibility a further report will be made.

Representative Edith Green, the author of the bill, submitted the following letter and decree of adoption in support of the bill to the Immigration and Nationality Subcommittee of the House of Representatives:

HOUSE OF REPRESENTATIVES,  
Washington, D.C., March 30, 1970.

Hon. MICHAEL A. FEIGHAN,  
*Chairman, Immigration and Naturalization Subcommittee No. 1,  
Rayburn Office Building.*

DEAR MR. CHAIRMAN: Enclosed is a copy of a decree of adoption whereby Mr. and Mrs. Tom Low have adopted Low Yin (also known as Low Ying) pursuant to Oregon law. This is additional information in support of the private bill, H.R. 5655, which I introduced at the beginning of the 91st Congress for the relief of Low Yin who is presently in Hong Kong.

May I refer to your letter of September 26, 1969, in which you stated that if Mr. Yin were adopted by his uncle, it would greatly enhance the possibility of favorable action on H.R. 5655, particularly if it appeared that the uncle (Mr. Low) plans to support him while he attends school in the United States.

As I indicated to you previously, Mr. Tom Low (the uncle) owns and operates the Chinese Village, a restaurant in Portland, and is financially able to take care of his nephew who will continue his education in the States. Mr. Yin is single and resides alone in Hong Kong. His only close relatives are two uncles in Portland.

Since the adoption has now been completed, I would hope that early consideration can be given to H.R. 5655. When the bill has been docketed, I would appreciate the opportunity to either appear in person or submit a statement in further support of H.R. 5655. May I take this opportunity to again thank you for anything that you may be able to do to have this bill favorably reported at the earliest possible date.

Sincerely,

EDITH GREEN.

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE  
COUNTY OF MULTNOMAH

(No. A 20830)

IN THE MATTER OF THE ADOPTION OF LOW YIN A/K/A  
LOW YING

DECREE OF ADOPTION

This matter coming on for hearing on the petition of Tom Nom Low and Cleo H. Low, husband and wife, for the adoption of the above named adult, and said petitioners appearing in person and by Frederick T. Smith, their attorney, and Low Yin a/k/a Low Ying appearing by and through Richard Maizels, his attorney; and

It appearing to the court that said petitioners, are husband and wife and residents and inhabitants of Multnomah County, Portland, Oregon; and

It further appearing to the court that the above named adult is a male born on November 24, 1946, and that

Low Yin a/k/a Low Ying, as an adult, has consented to his adoption by the petitioners herein;

It further appearing to the court that the Administrator of the State Public Welfare Commission of Oregon was duly served with a copy of said petition, together with a statement containing the full names and permanent address of said petitioners, and an adoption report form was duly filed herein with said petition, all as required by law; that said State Public Welfare Commission of Oregon has filed its report so that it is in order for the petition herein to be granted; and the Court being fully advised in the premises,

And now therefore hereby finds that all of the allegations of said petition are true, and the Court is satisfied of the identity and relations of the persons, and that said petitioners are of sufficient ability to substantially support Low Yin a/k/a Low Ying, and to furnish said Low Yin a/k/a Low Ying with guidance, assistance, educational opportunities, love, and understanding, and that it is fit and proper that the adoption of said adult should take effect; that all of the parties were properly before the Court, and the Court has jurisdiction over the parties and the subject matter to enter a decree of adoption that Low Yin a/k/a Low Ying has consented to his adoption by the petitioners, that the Public Welfare Commission of the State of Oregon was properly served and that all of the requirements of the Oregon statutes have been met;

It is therefore ordered, adjudged, and decreed that said petition be and it is hereby allowed, and that the said adult, Low Yin a/k/a Low Ying, is hereby adopted by the said Tom Nom Low and Cleo H. Low, husband and wife, as their own child to all legal intents and purposes the same as if he had been born unto them in lawful wedlock, and



It is further ordered that all papers on file herein relating to the personal or family history of said adult and all filed and records of the Court pertaining to the Adoption of said adult be sealed, to be unsealed only by judicial order of this Court, as provided by law.

Dated this 18th day of March, 1970.

CARL A. DAHL, *Judge.*

STATE OF OREGON, }  
County of Multnomah } ss.

I, Albert B. Green, Director, Department of Judicial Administration and Ex-Officio Clerk of the Circuit Court of the State of Oregon for the County of Multnomah, a court of record, do hereby certify that the foregoing copy of Order of Adoption has been compared by me with the original and that it is a correct transcript therefrom, and of the whole of such original as the same appears of record in my office and in my custody. In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court this 18th day of March, A.D. 1970.

[SEAL]

ALBERT B. GREEN,  
*Director, Department of Judicial Administration,*  
By R. B. ECKEN, *Deputy.*

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H.R. 5655) should be enacted.

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